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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/087,412

03/01/2002

Daniel Joseph Dove

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6219

7590

06/15/2005

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/087,412

Applicant(s)

DOVE ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-13, 15, 16 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 14, 17-19 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 5-13, 15, 16, 20-23 are allowed.
2. The following is an examiner's statement of reasons for allowance: O'Callaghan et al. (US Pat. 6,256,318 B1) discloses a network hub activity display including a hub 10 having a visual indication device 20. The hub 10 is coupled via ports 11 to network devices 12 and functions to determine activity/collision levels associated with the devices by providing a visual indication of the detected levels (col. 3, lines 19-67; col. 4, lines 1-67). Schenkel et al. (US Pat. 5,926,462) discloses a method of monitoring traffic received by devices connected in the network communication path and allowing for the activity of the networking devices to be determined (col. 10, lines 1-6). Melvin et al. (US Pat. 6,067,619) discloses an apparatus and method for monitoring the activity of a plurality of ports of a network device and LEDs that will indicate communication activity at the respective port of the network device 11 (col. 2, lines 41-62; col. 3, lines 1-25). However, none of the reference listed above nor any of the prior art of record disclose in their entirety the claimed activity level indicator comprising a controller operable to receive an activity level of a port from a processor associated with the port and to generate a signal that is related to the activity level, the signal comprising a series of separated pulses, the separation between pulses being a non-linear function of the activity level; and an indicator device coupled to the controller and operable to indicate the activity level in response to the signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melvin et al. (US Pat. Pat. 6,067,619).

In reference to claims 1-4, 14, 17-19, Melvin discloses the claimed controller disposed in a network component and operable to receive an activity level from a port and generate a signal related to the activity level and an indicator device coupled to the controller and operable to indicate the activity in response to the signal, which is met by a network device 11 including a plurality of ports 14 that are sampled by a status sampler 26 that determines the communication activity occurring at a respective connection port. The mode controller 23 is then able to receive port activity information from the sampler 26 and transmit activity signals to LEDs 13 to actuate the LEDs to light momentarily, and then turn off, confirming to the user that activity of the ports is being detected. Although Melvin does not specifically disclose the claimed processor associated with the port for generating a signal related to the activity level, he does disclose a controller that receives port activity level from a status sampler 26, the signal is received by the

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sampler and processed to determine which LEDs should be illuminated (col. 3, lines 14-63).

Since Melvin discloses a sampler that determines the activity of each port, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a processor that receives signals and then generates signals in response to the port, as a means for ensuring that the activity that's sensed is current prior to generating a status signal of each port.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Melvin et al.

In reference to claim 24, Melvin discloses the claimed controller disposed in a network component and operable to receive an activity level from a port and generate a signal related to the activity level and an indicator device coupled to the controller and operable to indicate the activity in response to the signal, which is met by a network device 11 including a plurality of ports 14 that are sampled by a status sampler 26 that determines the communication activity occurring at a respective connection port. The mode controller 23 is then able to receive port activity information from the sampler 26 and transmit activity signals to LEDs 13 to actuate the LEDs to light momentarily, and then turn off, confirming to the user that activity of the ports is being detected.

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7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957.

The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.  
June 13, 2005

Davetta W. Goins  
Primary Examiner  
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